

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. By this Amendment, claims 1, 3-5, 7, 11, 12, 15, and 18-27 are amended and claims 2, 6, 13, 14, and 16 are canceled. Accordingly, claims 1, 3-5, 7-12, 15, and 17-27 are pending in this application.

Rejections under 35 USC §101

Claims 26 and 27 stand rejected under 35 USC §101, the Examiner asserting that the claimed invention is directed to non-statutory subject matter. Claims 26 and 27 are rewritten to obviate the rejections thereto.

Objections to the Claims

Claims 24 and 25 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 12, 24, and 25 are amended to place dependent claims 24 and 25 in proper dependent form.

Claim Rejections under 35 USC §112

Claims 11-25 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. The Examiner further rejects claims 12-23 as vague and indefinite since each claim recites only a single means (a server) and thus encompasses all possible means for performing a desired function. Claims 11-25 are amended to more clearly recite the claimed subject matter and place the application in better compliance with commonly accepted US patent practice.

Claim Rejections under 35 USC §102

Claims 1-3, 6, 7, 9, 12-14, 16, 18-22, 24-27 stand rejected under 35 USC §102(e) as being anticipated by Borella et al. ("Borella")(US 6,816,912). A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently. Based upon the amendments to at least independent claims 1, 9, 12, 18, 19, and 26-27, this rejection is respectfully traversed.

Independent claim 1 is amended to recite, *inter alia*, a method of managing use of a service by a mobile user in a foreign wireless network, comprising "sending data of use of said service by the mobile user to the home server in a third SIP MESSAGE." Applicants respectfully submit that Borella fails to disclose, teach, or suggest this feature.

Borella appears only to disclose, in Fig. 11, call setup flows and fails to include in the reference, either directly or inherently, sending data regarding the use of the service by the mobile user back to the home server. Accordingly, because Borella does not disclose, teach or suggest each and every limitation recited in claim 1, the rejection of claim 1 under 35 U.S.C. §102(e) is improper. Applicants respectfully submit, therefore, that independent claim 1 is patentable over Borella.

Independent claims 9, 12, 18, 19, and 26-27 are similarly amended to recite wherein service use data is sent to the home server and based upon the argument presented above, are therefore likewise allowable over Borella. Claims 3, 5, 7, 10, 13, 14, 16, 20-22, and 24-25 depend variously from these independent claims and are likewise patentable over Borella at least for their dependence on an allowable base claim, as well as for additional features they recite. Withdrawal of the rejection over Borella is respectfully requested.

Claim Rejections under 35 USC §103

Dependent claims 4, 5, 8, 10, 11, 15, 17 and 23 are rejected under 35 USC §103(a) as being unpatentable over Borella in view of O'Neill et al. (US 6,970,445). The Examiner asserts that Borella discloses all recited features in independent claims 1, 9, 12, and 19 and relies upon O'Neil to disclose the additional features recited in the dependent claims indicated above. Applicants respectfully disagree, and as presented above, submit that independent claims 1, 9, 12, and 19 are patentable over Borella. Applicants further submit therefore, that dependent claims 4, 5, 8, 10, 11, 15, 17 and 23 are likewise patentable over the asserted combination of references at least in view of their dependence on an allowable base claim. Withdrawal of the rejection is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink, reading "Kenneth M. Berner". The signature is written in a cursive, flowing style.

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